

AGENCY: STATE BOARD OF TECHNICAL PROFESSIONS

ARTICLE 6. – PROFESSIONAL PRACTICE

NUMBER: 66-6-4

TITLE: Professional conduct.

66-6-4. Professional conduct. (a) For the purposes of this regulation, “licensee” shall mean an architect, a geologist, a landscape architect, a land surveyor, or a professional engineer licensed by the Kansas state board of technical professions.

(b) If any licensee’s professional judgment has been disregarded under circumstances in which the safety, health, or welfare of the public is endangered, the licensee shall inform the employer or client of the possible consequences, and the licensee shall notify the authority who issued the building permit or otherwise has jurisdiction.

(c) The licensee shall not advertise to perform or undertake to perform any assignment involving a specific technical profession unless the licensee is licensed and qualified by education and experience in that technical profession, as defined in K.S.A. 74-7003, and amendments thereto.

(d) A licensee in any technical profession shall not affix a personal or digital signature, seal, or both to any plan or document dealing with subject matter that is outside of the licensee’s field of practice as defined by K.S.A. 74-7003, and amendments thereto. Additionally, as provided in K.S.A. 74-7023 and amendments thereto, a licensee in any technical profession shall not affix a personal signature, seal, or both to any plan or document of any individual licensed in a technical profession in another state, unless the licensee has completed a detailed review and evaluation of the

documents and both individuals are licensed in the same field of practice.

(e) If the competence of any licensee to perform an assignment in a specific technical field is at issue, the licensee may be required by the board to pass an appropriate examination.

(f) In all professional reports, statements, and testimony, each licensee shall meet the following criteria:

- (1) Be completely objective and truthful; and
- (2) include all relevant and pertinent information.

(g) When serving as an expert or technical witness before any court, commission, or other tribunal, each licensee shall express only opinions founded on the following:

- (1) An adequate knowledge of the facts at issue;
 - (2) a background of technical competence in the subject matter;
- and
- (3) an actual, good-faith belief in the accuracy and propriety of the licensee's testimony.

(h) If a licensee issues any statements, criticisms, or arguments on public policy matters that are inspired or paid for by any interested party or parties, those comments shall be prefaced by and include disclosure of the following:

- (1) The identities of the party or parties on whose behalf the licensee is speaking; and
- (2) the existence of any pecuniary interest of the licensee.

(i) Each licensee shall disclose all known or potential conflicts of interest to employers or clients by promptly informing them of any business association, interest, or any other circumstances that could influence that licensee's judgment or the quality of the licensee's services.

(j) A licensee shall not accept compensation, financial or otherwise, from more than one party for services on the same project or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

(k) A licensee shall not solicit or accept financial or other valuable consideration, directly or indirectly, from either of the following:

(1) Material or equipment suppliers for specifying their products;
or

(2) contractors, their agents, or other parties in connection with work for employers or clients for which the licensee is responsible.

(l) A licensee shall not solicit a contract from a governmental body on which a principal or officer of the licensee's organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of the appropriate public authority.

(m) A licensee shall not offer, directly or indirectly, to pay a commission or other consideration or to make a political contribution or other gift in order to secure work, except for payment made to an employment agency for its services.

(n) In all contacts with prospective or existing clients or employers, each licensee shall accurately represent the licensee's qualifications and the scope of the licensee's responsibility in connection with work for which the licensee is claiming credit.

(o) A licensee shall not be associated with, or permit the use of the licensee's personal name or firm name in, a business venture being performed by any person or firm that the licensee knows, or has reason to believe, is engaging in either of the following:

(1) Business or professional practice of a fraudulent or dishonest nature; or

(2) a violation of K.S.A. 74-7001 et seq., and amendments thereto, or the regulations promulgated and adopted by the board, or both.

(p) Each licensee with knowledge of any alleged violation of K.S.A. 74-7001 et seq., and amendments thereto, or the regulations promulgated and adopted by the board, or both, shall report the alleged violation to the board.

(q) Each licensee shall cooperate with the board in its investigation of complaints or possible violations of K.S.A. 74-7001 et seq., and amendments thereto, and the regulations of the board. This cooperation shall include responding timely to written communications from the board, providing any information or documents requested within 30 days of the date on which the communication was mailed, and appearing before the board or its designee upon request.

(r) A licensee shall not assist any person in applying for licensure if the licensee knows that person to be unqualified with respect to education, training, experience, or character.

(s) Conviction of a felony or the revocation or suspension of a professional license by another jurisdiction, if for a cause that in the state of Kansas would constitute a violation of Kansas law or of these regulations, or both, shall constitute unprofessional conduct.

(t) A licensee shall not violate any order of the board.

(u) Each land surveyor shall comply with the minimum standards for the practice of land surveying adopted by reference in K.A.R. 66-12-1.

(v) Each licensee shall take appropriate measures to ensure that the licensee's drawings and specifications meet the following requirements:

(1) Remain the property of the licensee regardless of whether the

project contemplated was executed;

(2) are not utilized for projects that were not contemplated at the time of the completion of the drawings and specifications; and

(3) are not used by the client on any other projects, including additions to the contemplated project, unless the licensee defaults or agrees in writing to this use.

(Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7013, 74-7023, and 74-7026; effective May 1, 1978; amended May 1, 1984; amended May 1, 1985; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 13, 1995; amended Feb. 4, 2000; amended Feb. 9, 2001; amended Nov. 2, 2001; amended Feb. 4, 2005; amended Jan. 5, 2007; amended March 28, 2008.)